

**BOARD OF SUPERVISORS' MEETING**  
**PLANNING AND ZONING AGENDA**  
**February 3, 2016**

**CONSENT AGENDA**

1. Title: Vista Verde Unit 1 Lots 52 – 61 and Portion of Tract A  
Case #: **S2015010**  
Supervisor District: 2  
Applicant/Owner: Higart Wilson/Tegavah Construction LP  
Request: Replat consisting of 1 tract in the C-2 CUPD PAD zoning district  
Site Location: North of Rio Verde Dr., south of Dixileta Rd. between 172nd St. and 176th St. in the Rio Verde area  
  
Site Size: Approximately 5.76 acres  
Note: Continued from November 18, 2015
  
2. Title: Sun State Papago WCF  
Case #: **Z2015059**  
Supervisor District: 4  
Applicant & Owner: Pinnacle Consulting, Inc./Wyatt Pacific General, LLC  
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) – 150' (h) monopole in the Rural-43 zoning district  
  
Site Location: Generally located 1,230' from the southeast corner of Interstate-10 and 355<sup>th</sup> Avenue in the Tonopah area  
  
Site Size: Approximately 2,500 sq. ft. of a 2.6 ac. parcel  
Commission  
Recommendation: On 1/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015059** subject to conditions 'a' – 'o':
  - a. Development of the site shall be in substantial conformance with the Site Plan entitled "Sun State Towers: AZ01-033 Papago/PHO Wintersburg", consisting of six (6) full-size sheets, stamped received October 6, 2015, except as modified by the following conditions.
  - b. Development of the site shall be in conformance with the Narrative Report entitled "Sun State Papago", consisting of six (6) pages, stamped received October 6, 2015, except as modified by the following conditions.
  - c. The maximum height of the Wireless Communication Facility shall be limited to 150' (h) including attachments (except that a lightning rod may protrude above the 150' elevation).
  - d. The antenna array diameter shall be limited to seventeen feet (17') across. All future appurtenances shall protrude no further from the center of the tower than this initial antenna array.
  - e. The applicant/owner shall enclose the compound with a chain link fence no less than 8' in height.

- f. Future carriers may co-locate on the Wireless Communication Facility if co-location does not increase overall tower height or increase protrusion of appurtenances. Any change to these elements will trigger an amendment to the Special Use Permit.
- g. This Special Use Permit shall expire 35 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- h. The following Drainage condition shall apply:
  - 1. Per Maricopa County Zoning Ordinance (MCZO) 1205.7.7.3, Concurrent projects that cumulatively exceed a total project construction envelope and disturbance limit of 1,500 square feet shall not be considered as meeting Section 1205.7.7 and must meet the requirements of Section 1205.7.
- i. The following Flood Control District conditions shall apply:
  - 1. There is Pending Floodway and Pending Floodplain in the most west/northwest portion of the property. The Pending Floodplain and Pending Floodway must be identified on the plans.
  - 2. All electronic components (transformer, cabinet, etc.) must be elevated at or above the Regulatory Flood Elevation.
- j. The following MCDEM condition shall apply:
  - 1. The applicant shall contact the Palo Verde Nuclear Generating Station (PVNGS) Emergency Planning Department to obtain protective action instruction placards. The PVNGS placards shall be posted in at least two locations within the 50 x 50 compound upon consultation with the PVNGS Emergency Planning Department.
- k. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- l. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- m. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- n. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.
- o. There shall be no lighting on the tower structure, attachments, or appurtenances.

3. Title: TB&D Nursery  
Case #: **Z2015060**  
Supervisor District: 2  
Applicant & Owner: Ralph Pew/Husker Group, LLC  
Request: Special Use Permit (SUP) for a retail plant nursery in the Rural-43 zoning district  
Site Location: Generally located at the southwest corner of 54<sup>th</sup> St. and Dixileta Dr. in the north Phoenix area  
Site Size: Approximately 3.22 ac.  
Commission  
Recommendation: On 1/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015060** subject to conditions 'a' – 'j':

- a. Development and use of the site shall comply with the site plan entitled "TB&D Nursery", consisting of one (1) full-size sheet, dated November 25, 2015, and stamped received November 25, 2015, except as modified by the following conditions. The applicant shall submit a revised site plan showing the corrected fencing and removal of the 20' road easement or obstructions within said easement along the east property line within 30 days of Board of Supervisors approval.
- b. Development and use of the site shall comply with the narrative report entitled "TB&D Nursery Application for Special Use Permit; Z2015060 Narrative Report", consisting of six (6) pages, dated revised November 6, 2015, and stamped received November 9, 2015, except as modified by the following conditions.
- c. This Special Use Permit shall expire 15 years from the date of approval by the Board of Supervisors, inactivity for a period of 90 or more consecutive days, or

upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

- d. The applicant/owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- e. All driveways within County rights-of-way shall be paved and maintained with asphalt or concrete. Any improvements within Dixileta Drive Right-of-Way will require a Right-of-Way permit.
- f. Interior circulation and parking areas shall be dust-proofed with an approved dust palliative acceptable to the Department of Transportation and the Environmental Services Department.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

4. Title: Drexler  
Case #: **Z2015074**  
Supervisor District: 5  
Applicant & Owner: Tiffany & Bosco, PA /John Drexler

Request: Zone Change from Rural-43 to C-2 CUPD General Commercial  
Site Location: Generally located at the northwest corner of  
Baseline Rd. and 61<sup>st</sup> Dr.  
Site Size: Approximately 12.68 ac.  
Commission  
Recommendation: On 1/7/16, the Commission voted 8-0 to recommend **approval** of  
**Z2015074** subject to conditions 'a' – 'f':

- a. A Commercial Unit Plan of Development (CUPD) is applied to the site specifically to limit the C-2 permitted uses to those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated via individual septic systems until such time that either sewer service is provided or effective annexation by the City of Phoenix.
- b. Unless the site is effectively annexed into the City of Phoenix, a Plan of Development (POD) is required prior to construction permitting.
- c. The site may be (re)developed and used for any use that is statutorily exempt from County zoning authority without POD or permit.
- d. The following Planning Engineering conditions shall apply:
  1. Pending ADOT's right-of-way acquisition along Baseline Road, the applicant shall preserve a total half-width right-of-way of 65 feet along Baseline Road.
- e. The property owner/s and their successors waive claim in diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

5. Title: Jackrabbit Nursery  
Case #: **Z2015020**  
Supervisor District: 4  
Applicant & Owner: Michael Campbell /Hazel Linsenmeyer Leonard

Request: Special Use Permit (SUP) – for a retail plant nursery in the Rural-43 zoning district

Site Location: Located approximately 725' from the southeast corner of Broadway Rd. and Jackrabbit Trl. on the east side of Jackrabbit Trl in the Buckeye area.

Site Size: Approximately 5.2 ac.

Commission Recommendation: On 1/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015020** subject to conditions 'a' – 'm':

- a. Development and use of the site shall comply with the site plan entitled "Jackrabbit Nursery", consisting of four (4) full-size sheets, dated November 5, 2015, and stamped received November 6, 2015, except as modified by the following conditions.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit – Renewal of Z2001119", consisting of eight (8) pages, dated revised November 5, 2015, and stamped received November 6, 2015, except as modified by the following conditions.
- c. This Special Use Permit shall expire 15 years from the date of approval by the Board of Supervisors, inactivity for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- e. The applicant shall resolve all water/wastewater issues on the site in cooperation with Maricopa County Environmental Services Department's Drinking Water Program and Onsite Wastewater Management Program within 90 days of BOS approval.
- f. All driveways within County rights-of-way shall be paved and maintained with asphalt or concrete. Any improvements within Jackrabbit Trl. right-of-way will require a right-of-way permit.
- g. Interior circulation and parking areas shall be dust-proofed with an approved dust palliative acceptable to the Department of Transportation and the Environmental Services Department.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Should the Special Use Permit expire or be removed, all structures not meeting the development standards of the Rural-43 zoning district shall be removed within 60 days. This would include but not be limited to the singlewide trailer

located near the southeast corner of the property and the three (3) shade structures located in the northeast corner of the property.

- j. All unpermitted structures shall obtain proper permitting within 90 days of the Board of Supervisors approval or be removed.
- k. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- l. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- m. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

6. Title: Verizon PHO Perryville  
Case #: **Z2015015**  
Supervisor District: 4  
Applicant & Owner: Heather Chadwick / Hazel Linsenmeyer Leonard  
Request: Special Use Permit (SUP) – for a Wireless Communication Facility 99'-4" (h) monopole in the Rural-43 zoning district  
Site Location: Located approximately 1,725' from the southeast corner of Broadway Rd. and Jackrabbit Trl. on the east side of Jackrabbit Trl in the Buckeye area.  
Site Size: Approximately 1,200 sq. ft. of a 5.2 ac. parcel  
Commission  
Recommendation: On 1/7/16, the Commission voted 8-0 to recommend **approval** of **Z2015015** subject to conditions 'a' – 'k':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "PHO\_Perryville", consisting of 5 full-size sheets, dated April 8, 2015 , and

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stamped received June 23, 2015, except as modified by the following conditions.

- b. Development of the site shall be in conformance with the Narrative Report entitled "PROJECT NARRATIVE Verizon Site – PHO Perryville", consisting of 3 pages, revised April 8, 2015 and stamped received April 16, 2015, except as modified by the following conditions.
- c. The maximum height of the Wireless Communication Facility including all antennas and other appurtenances shall be limited to 100'.
- d. A Minor Amendment shall be required to co-locate future carriers on the Wireless Communication Facility (other than the two arrays illustrated on the site plan, condition 'a').
- e. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, inactivity for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- f. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. The applicant/owner shall submit a written report outlining the status of the development at the end of 2 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- h. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- i. No antenna arrays shall be greater than twelve feet (12') in width.
- j. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use



Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.